

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

MARK GOTTSLEBEN, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

INFORMA MEDIA, INC. F/K/A PENTON MEDIA,
INC.,

Defendant.

CASE NO. 1:22-cv-00866-HYJ-RSK
CLASS ACTION

Chief Judge Hala Y. Jarbou
Magistrate Judge Ray Kent

**RESPONSE TO
ORDER TO SHOW CAUSE**

Defendant Informa Media, Inc. (“Informa”), by and through its attorneys, hereby responds to the Court’s Order to Show Cause (Dkt. No. 53) as follows:

As stated in Informa’s concurrently-filed motion for an extension of time to file its answer and affirmative defenses (“Answer”), Informa did not file its Answer on Friday, July 21, 2023 pursuant to an agreement with counsel for Plaintiff that Informa could have a short one business day extension—to Monday, June 24, 2023—to file its Answer. (*See* Dkt. No. 54.) Due to the fact that this agreement was memorialized a few minutes before the close of business on Friday, and contemplated an extension of only one business day, Informa did not file a formal motion with the Court seeking an agreed extension at that time. *Shepard Claims Serv., Inc. v. William Darrah & Assocs.*, 796 F.2d 190 -93 (6th Cir. 1986) (excusable neglect found where defense counsel had good-faith understanding with plaintiff’s counsel regarding extension).

Informa apologizes for not apprising the Court of the parties’ agreement, but respectfully submits that default should not be entered and this case should proceed to be adjudicated on the merits. Indeed, the Sixth Circuit has expressed a “strong preference for trials on the merits” rather

than judgment by default, and applies a “lenient” standard to motions to set aside entry of default. *Shepard Claims Serv., Inc. v. William Darrah & Assocs.*, 796 F.2d 190, 193 (6th Cir. 1986); *Dassault Systemes, SA v. Childress*, 663 F.3d 832, 840 (6th Cir. 2011).

Informa has also filed a motion for an extension of time to file a responsive pleading pursuant to Fed.R.Civ.P. 6(b)(1)(B). *See* Dkt. No. 54.

For the foregoing reasons, Informa respectfully states that the Court should not enter a default against Informa for failure to plead or otherwise defend pursuant to Fed. R. Civ. P. 55(a).

DATED: July 24, 2023

Respectfully submitted,

BLANK ROME LLP

By: /s/ Ana Tagvoryan

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*Attorneys for Defendant
INFORMA MEDIA, INC.*

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys or parties of record.

By: /s/ Ana Tagvoryan
Ana Tagvoryan